IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No.372 (M/B) of 2003

Bahadur Singh S/o Tahal Singh,
R/o Village Chinka Ghat, Tehsil Sitarganj,
District Udham Singh Nagar

.... Petitioner

Vs

1. State of Uttaranchal through Secretary, Samaj Kalyan, Dehradun
2. District Magistrate, Udham Singh Nagar
3. Tehsildar Sitarganj, District Udham Singh Nagar

.....Respondents

Sri S.K. Mandal, Advocate, learned counsel for the petitioner.
Learned standing counsel for the respondents.

Dated: - August 2, 2006

Coram: Hon'ble P.C.Verma,J
Hon'ble B.S. Verma,J

This writ petition has been filed by the petitioner with a prayer to command the respondents to permit the petitioner to contest the Zila Panchayat Chairman Election as Backward Caste Candidates.

2. The petitioner's caste certificate was cancelled vide order dated 28.2.2003 by the Tehsildar, Sitarganj, which is contained in Annexure 6 to the writ petition. Since the elections are now over, therefore, the main grievance of the petitioner relating to contest the election does not survive. Therefore, no cause of action survives.

3. So far as cancellation of caste certificate is concerned, Tehsildar Sitarganj has cancelled the caste certificate of the petitioner. Keeping in view the facts and circumstances of the case, we provide that the petitioner may approach the Collector, Udham Singh Nagar to pass appropriate order after furnishing the details and

thereafter the Collector concerned is directed to pass an order within a period of two months from the date of production of certified copy of this order after holding the full fledge enquiry relating to the caste of the petitioner.

4. With the aforesaid observation, the petition is disposed of finally.

(B.S. Verma, J.) **(P.C. Verma, J.)**

Rajeev Dang